(21)

HIGH COURT OF CHHATTISGARH: BILASPUR

W.P. (S) No.2868 of 2007

Petitioner	:	Rajesh Sharma, aged about 45 years, son of Shri Bramhanand sharma, resident of Block Colony, Mahasamund, Distt. Mahasamund (C.G.)
		Versus
Respondents	1.	The Chief Executive Officer, Zila Panchayat Mahasamund, Distt. Mahasamund (C.G.)
	2.	The Additional Chief Executive Officer, Zila Panchayat Mahasamund, Distt. Mahasamund (C.G.)
	3.	The Lekhadhikari, Zila Panchayat Mahasamund Distt. Mahasamund (C.G.)
	4.	Chief Executive Officer, Janpad Panchayat Mahasamund, Distt. Mahasamund (C.G.)

(Writ Petition under Article 226 of the Constitution of India)

SB: Hon'ble Shri Justice Satish K. Agnihotri

Present: Shri Bharat Rajput, Advocate for the petitioner.

ORAL ORDER
(Passed on 9th May, 2007)

1. By this petition, the petitioner has challenged the impugned suspension order dated 26.4.2007 (Annexure P/1). The petitioner was working as Assistant Grade-III in the office of the Janpad Panchayat, Mahasamund, when the impugned suspension order was passed.

2. On perusal of the suspension order, it appears that the petitioner, along with another Assistant Grade-III, has been placed under suspension on account of discovery of alleged financial irregularities during inspection.

3. Learned counsel appearing for the petitioner submits that according to 2.9.3 of the Circular dated 29.11.1996 (Annexure P/2) only Director, Commissioner or Collector are the prescribed officer to have inspection in Janpad Panchayat. He further submits that Section 84 of the Panchayat Raj Adhiniyam, 1993 provides for inspection of Panchayats only by those officers, who have been prescribed, specifically for that purpose. As such the respondent No.1 was not competent to have an inspection of the Janpad Panchayat, Mahasamund.

4. The contentions of learned counsel appearing for the petitioner appears to be misconceived, as the respondent No.1 is the Chief Executive Officer of the office of the District Panchayat, Mahasamund, which has administrative control over the Janpad Panchayat, Mahasamund.

5. Para 2.9.3 of the memo dated 29.11.1996 (Annexure P/2) clearly provides that inspection of Janpad Panchayat can be made by Director, Commissioner or Collector or any other authorized officer. The Chief Executive Officer of the Zila Panchayat is an authorized officer by the Collector to look into the functioning of the Janpad Panchayat. Thus, the contention of learned counsel for the petitioner that the Chief Executive Officer was not an authorized officer deserves to be rejected.

6. This Court is of the considered opinion that any employee can be suspended where the disciplinary proceeding against him is contemplated or is pending. Looking to the alleged charge, stated in the suspension order, it is clear that a disciplinary proceeding is contemplated against the petitioner. The petitioner, without waiting for the charge sheet, straightaway has come to this Court. The petition is premature and at this stage the same cannot be entertained.

7. It is well settled principle of law that the suspension is temporary and it does not involve punishment with civil consequences. Suspension means a temporary deprivation of the functions not amounting to any reduction of his rank or his status. The employee under suspension continues to be a Government Servant, he is not permitted to work keeping in view pendency of departmental enquiry to avoid undue influence in the proceedings of departmental enquiry and likely tampering with on records.

8. The petition is accordingly dismissed, summarily.

Sd/-
Satish K. Agnihotri
Judge

Indu